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**From:** Benevento, Douglas [benevento.douglas@epa.gov]  
**Sent:** 1/29/2019 7:46:26 PM  
**To:** Hutchins, David [DHutchins@mtech.edu]  
**CC:** Wardell, Christopher [Wardell.Christopher@epa.gov]; Greene, Nikia [Greene.Nikia@epa.gov]  
**Subject:** RE: Butte Superfund

Yup your comments are helpful. I really appreciate your taking the time to respond, we can talk when I'm next out in Butte. From the tone of your email I think you know this, but let me confirm, it's difficult sometimes to have intent captured in writing, we really did want public comment via email and at the public meetings and never wanted to discourage it or have any perceived threat in any of our communication. I think we were just trying gather information and lay out facts and perhaps I didn't do a good of that. So that's on me. Thanks, I look forward to speaking with you.

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**From:** Hutchins, David <DHutchins@mtech.edu>  
**Sent:** Tuesday, January 29, 2019 12:41 PM  
**To:** Benevento, Douglas <benevento.douglas@epa.gov>  
**Cc:** Wardell, Christopher <Wardell.Christopher@epa.gov>; Greene, Nikia <Greene.Nikia@epa.gov>  
**Subject:** Re: Butte Superfund

Doug,





Thanks for the quick response. Nikia is very familiar with my concerns, I have been hounding him since his first day on the job. We have had very productive discussions on this matter, on bioavailability and RMAP, and other issues. He has gone above and beyond to try to answer my questions. But no one has been able to address the CDC reference level and how it relates to the IEUBK model and our action levels.

I thought the public meetings were valuable, they provided a succinct summary of the agreement in principal that I thought was reasonably accessible to the public. I did/do have a few issues with the process:

- Human health was not addressed. The RMAP plan is being revised and, I presume, is a major component of the CD negotiations. Why wasn't it included in the roll out? These are important decisions that will affect the community for generations, they should have a chance to review and comment. I know at the very least many in the community would like to see a more comprehensive, long-term health study than the biomonitoring prescribed by the UAO.
- The timelines and order of processes are still not clear to me, and probably many others. When will public comments for the various steps be accepted, and how and when will they be incorporated? What kind of responsiveness can the public expect?
- The online portal for public comment is atrocious. A quote from the page: "Note: The comments submitted via this form do not constitute formal public comments for proposed future cleanup actions. Opportunity for formal comments will be solicited when EPA announces a public comment period for the upcoming Proposed Plan for a Record of Decision Amendment." How do you think this appears to the average citizen? To me, it looks like a black hole to toss your gripes into. If real engagement is the

goal, this is not how it will be achieved.

## EPA in Montana

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# Comment on the proposed future cleanup actions for the Butte Priority Soils Operable Unit within the Silver Bow Creek/Butte Area Superfund site

Use this form to submit your comments and/or questions on the recently released proposed future cleanup actions for the BPSOU within the [Silver Bow Creek/Butte Area](#) Superfund site in Butte, Montana.

Note: The comments submitted via this form do not constitute formal public comments for proposed future cleanup actions. Opportunity for formal comments will be solicited when EPA announces a public comment period for the upcoming Proposed Plan for a Record of Decision Amendment.

Your Name

Your Email

Your Comments (Required)

**Submit**

- Throughout this process there has been an implied, and sometimes explicit, threat: accept the cleanup as prescribed or lose all of the public amenities. Repeatedly we have been told that if we challenge the remedy (the surface water TI waiver, the Parrot removal, the creek, etc) that we will get stuck with a UAO and no parks, amphitheaters, etc. Perhaps this is simply the reality but it feels like extortion.

I hope these observations are helpful. Thank you for listening. I do hope we can catch up when you're around.

David

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**From:** Benevento, Douglas <[benevento.douglas@epa.gov](mailto:benevento.douglas@epa.gov)>

**Sent:** Tuesday, January 29, 2019 11:40:02 AM

**To:** Hutchins, David

**Cc:** Wardell, Christopher; Greene, Nikia

**Subject:** RE: Butte Superfund

Thanks David, good question. Let me ask the Butte team and follow-up.

I would love to get together when I'm next in town. I hope that will be in February, we can get together. In the meantime, I've put Chris Wardell and Nikia on this email. They are in Butte frequently and particularly Nikia is well versed in the remedy and could have a discussion on it.

I do have a question, there were several community meetings on the the agreement in principle, were those useful meetings?

Thanks again, I look forward to catching up.

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**From:** Hutchins, David <DHutchins@mtech.edu>  
**Sent:** Tuesday, January 29, 2019 11:13 AM  
**To:** Benevento, Douglas <benevento.douglas@epa.gov>  
**Subject:** Butte Superfund

Hi Doug,

I have been following your conversation with Fritz and I came across this:

"If there are comments that anyone has that have not been responded to or responded to in unsatisfactory manner please let me know because I will follow up." so I wanted to remind you about a conversation we had.

Recall that when you visited Butte along with Kel Kelly we spoke about lead action levels. I have many issues with our action levels and risk assessment but there is one point I think deserves a direct response. Our lead action level was developed with the IEUBK model, which set a threshold based on the CDC blood-lead reference level. That level was subsequently adjusted from 10 ug/dL to 5. I am told it will likely be adjusted again soon. So my question is: when will the EPA reevaluate our action level based on the new reference level?

I have been asking this question for more than five years, and I keep getting the same response, "the EPA is currently evaluating the 5 ug/dL guideline developed by the CDC to determine how to address it nationally across multiple programs". Kel assured me he would look into it, perhaps in his absence you would be willing to address this directly.

You and I also spoke about the mechanisms for assuring the remedy evolves with changing science. From CERCLA and EPA guidance documents, it is clear the remedy should be reevaluated when exposure assumptions change. When the defining threshold value of a model is adjusted, clearly that model needs to be rerun.

I appreciate your attention to this matter. If you are interested, I would be happy to share some of my other concerns with the remedy, perhaps in person if you have time during one of your visits.

Thank you,

David

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